

EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

THE TRUSTEES OF PURDUE)
UNIVERSITY.)
PLAINTIFF) CIVIL ACTION NO.
) 1:21-CV-840
VS.)
)
WOLFSPEED, INC.,)
DEFENDANT)

ORAL AND VIDEOTAPED DEPOSITION OF DR. STANLEY SHANFIELD
MARCH 17, 2023

ORAL AND VIDEOTAPED DEPOSITION OF DR. STANLEY
SHANFIELD, produced as a witness at the instance of the
Defendant and duly sworn, was taken in the above styled
and numbered cause on Friday, March 17, 2023, from
9:07 a.m. to 3:25 p.m., before Janalyn Elkins, CSR, in
and for the State of Texas, reported by computerized
stenotype machine, via Zoom, pursuant to the Federal
Rules of Civil Procedure and any provisions stated on
the record herein.

1 MR. SHORE: Let's see here. I don't know
2 if that's -- I don't think that's an exhibit to your
3 report. Is that an exhibit to Dolittle's report?

4 MR. ERWINE: I don't have the question
5 but we have it on the screen.

6 MR. SHORE: Hang on just a second. I can
7 find it here.

8 Q. (BY MR. ERWINE) Have you seen this declaration
9 before, Dr. Shanfield?

10 A. Yeah, I think I have so that's --

11 MR. SHORE: Here we go. Here we go.

12 THE WITNESS: Oh, we've got it.

13 Q. (BY MR. ERWINE) So the answer is yes, you've
14 seen this declaration before?

15 A. Yes.

16 Q. All right. And if you can turn to -- I think
17 it's page 8, paragraph 31.

18 A. Yes.

19 Q. Do you see that Dr. Bhat says, (Reading:) In
20 my opinion, as explained below, the phrase "less than
21 about three micrometers," as used in the '633 Patent and
22 Claim 9, means exactly that. Further, a POSITA would
23 reasonably understand that "about," when referring to
24 numerical values such as in the '633 Patent generally
25 implies plus or minus 10 percent variation. Thus, a

1 POSITA would readily understand the scope of the term
2 with reasonable certainty.

3 And my question is: Do you agree with that
4 paragraph?

5 A. I agree that in the time frame of the patent
6 that plus or minus 10 percent variation is reasonable.
7 So I also would add that you -- you must have a look at
8 what was done to build the device in question and that a
9 POSITA would be able to decide what was reasonable. But
10 10 percent variation at the time of the invention was
11 pretty typical.

12 Q. Okay. And you said, "at the time of the
13 patent." Is it your opinion that in 2023 that
14 10 percent variation is no longer reasonable?

15 MR. SHORE: Objection, form.

16 THE WITNESS: What I think is it could be
17 different now.

18 Q. (BY MR. ERWINE) Do you know --

19 A. It depends how it was made.

20 Q. Sorry. Do you know whether it's different? Do
21 you have an opinion?

22 MR. SHORE: Objection, form.

23 THE WITNESS: So again, it depends on the
24 manufacturing that's been done, for example. It might
25 be using equipment from the 1980s where 10 percent is

1 you imported from Dr. Bhat's report?

2 A. Well, I know what I was saying here. And
3 basically, what I'm putting across is the point that
4 whatever the tolerances were that were reasonable in
5 2005 or '06, then that's -- that's what the patent is
6 going to apply. And if that patent were written now, it
7 would -- "about" would have a meaning that would
8 probably be more precise because what is about in 2023
9 is a much tighter dimension. But the patent was written
10 in 2005 and so that -- that 10 percent is what applies
11 in its enforcement.

12 And the statement I'm making here is that
13 the manufacturing techniques at that time were what
14 established what "about" means reasonably at the time.

15 Q. Okay. And just to clarify, it's your opinion
16 based on what you just said that the 10 percent -- you
17 said that 10 percent is what applies in its enforcement.
18 So it's your view that in terms of the claim scope that
19 that 10 percent variation would apply?

20 A. I said the 10 percent is reasonable given when
21 the patent was written and it applies now in the same
22 way, if reasonability applies.

23 Q. And let me be very clear. I just am taking
24 your language and I'm just trying to understand it. You
25 said that the patent was written in 2005. So that

1 10 percent is what applies in its enforcement?

2 A. Yes.

3 Q. Do you mean that the 10 percent should be what
4 applies in the enforcement of the claim, Claim 9 of the
5 '633 Patent?

6 A. Yes.

7 Q. And so it's -- you take the less than about,
8 you take the three micrometers and in terms of the
9 application of the claim scope, it would be plus or
10 minus 10 percent applied to that 3 micrometers
11 measurement?

12 A. As I explained, yes, I think it would be
13 reasonable to apply plus or minus 10 percent. There may
14 be situations where you'll have to examine the way the
15 device was made or the way the layout was done. But the
16 mean of about and at the time the patent was written is
17 what applies indefinitely until the patent expires.

18 Q. And in most -- I'm sorry. In multiple
19 paragraphs you reference the size variations resulting
20 from manufacturing techniques that require tolerances or
21 slight deviations from the ideal device design.

22 Do you recall that?

23 A. Well, can you put me -- point me to a specific
24 line?

25 Q. Yeah. Paragraph 50. Paragraph 50 it says,

REPORTER'S CERTIFICATION

DEPOSITION OF DR. STANLEY SHANFIELD

TAKEN MARCH 17, 2023

I, Janalyn Elkins, Certified Shorthand
Reporter in and for the State of Texas, hereby certify
to the following:

That the witness, DR. STANLEY SHANFIELD, was
duly sworn by the officer and that the transcript of the
oral deposition is a true record of the testimony given
by the witness;

That the original deposition was delivered to
RICHARD W. ERWINE;

That a copy of this certificate was served on
all parties and/or the witness shown herein on

_____.

I further certify that pursuant to FRCP No.
30(f)(i) that the signature of the deponent was
requested by the deponent or a party before the
completion of the deposition and that the signature is
to be returned within 30 days from date of receipt of
the transcript. If returned, the attached Changes and
Signature Page contains any changes and the reasons
therefor.

I further certify that I am neither counsel
for, related to, nor employed by any of the parties in
the action in which this proceeding was taken, and

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1 further that I am not financially or otherwise
2 interested in the outcome of the action.

3 Certified to by me this 21st day of March 2023.

4 
5

JANALYN ELKINS

6 Texas CSR 3631

Expiration Date 1/31/2025

7 Veritext Legal Solutions

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Firm Registration No. 571

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